

House File 643

H-1391

Amend House File 643 as follows:

1. Page 1, after line 28 by inserting:

<Sec. _____. Section 466B.3, subsection 6, paragraph b, Code 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (07) Review and assess the water monitoring plan of the department of natural resources and develop a protocol to prioritize the use of the state's water quality monitoring resources.>

2. Page 5, line 24, before <administering> by inserting <implementing and>

3. Page 5, after line 30 by inserting:

<Sec. _____. Section 455B.171, subsection 4, Code 2011, is amended to read as follows:

4. "*Credible data*" means scientifically valid chemical, physical, or biological monitoring data collected under a scientifically accepted sampling and analysis plan, including quality control and quality assurance procedures. Data dated more than five years before the department's date of listing or other determination under section 455B.194, subsection 1, by the department of natural resources or the department of agriculture and land stewardship, shall be presumed not to be credible data unless ~~the~~ that department identifies compelling reasons as to why the data is credible.>

4. Page 6, by striking lines 31 and 32 and inserting:

<5. The department of ~~natural resources~~ agriculture and land stewardship shall develop a methodology>

5. Page 7, line 16, by striking <the either department,> and inserting <the department of agriculture and land stewardship,>

6. Page 7, by striking lines 21 and 22 and inserting <of agriculture and land stewardship shall develop and maintain three>

7. By striking page 7, line 31, through page 8, line 16, and inserting <list. When developing a section 303(d) list, the department of agriculture and land stewardship is not required to use all data, ~~but the department it~~ shall assemble and evaluate all existing and readily available water quality-related data and information. The department of agriculture and land stewardship shall provide documentation to the regional administrator of the federal environmental protection agency to support the state's determination to list or not to list its waters.

g. The department of agriculture and land stewardship shall take into consideration any naturally occurring condition when placing or removing any

1 water of the state on any section 303(d) list, and
2 establishing or allocating responsibility for a total
3 maximum daily load.
4 *h.* Numerical standards shall have a preference
5 over narrative standards when determining whether
6 a water of the state is supporting its designated
7 use or other classification. A narrative standard
8 shall not constitute the basis for determining an
9 impairment unless the department of agriculture and
10 land stewardship identifies specific factors as to why
11 a numeric standard is not sufficient to assure adequate
12 water quality.>
13 8. By striking page 8, line 32, through page 9,
14 line 15, and inserting:
15 <NEW SUBSECTION. 3. The division of soil
16 conservation of the department of agriculture and land
17 stewardship shall administer, coordinate, and promote
18 voluntary programs to address the total maximum daily
19 loads assigned to nonpoint sources and agricultural
20 sources. The department of natural resources shall
21 implement the waste load allocations assigned to
22 point sources in the total maximum daily load through
23 effluent limits if such sources are required to obtain
24 a national pollutant discharge elimination system
25 permit by section 402 of the federal Clean Water Act as
26 defined in section 455B.291.
27 NEW SUBSECTION. 4. The division of soil
28 conservation of the department of agriculture and land
29 stewardship shall prepare the water quality management
30 plan required by 33 U.S.C. § 1329, and provide the
31 plan, after notice and comment, to the governor for
32 submission to the regional administrator of the United
33 States environmental protection agency.>
34 9. Page 9, by striking lines 16 through 25.
35 10. Page 10, by striking lines 10 through 16 and
36 inserting:
37 <Sec. _____. EFFECTIVE DATE. This division of this
38 Act takes effect July 1, 2012.>
39 11. Title page, line 3, by striking <providing an
40 appropriation,>
41 12. By renumbering as necessary.

MOORE of Jackson